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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,918	03/19/2004	Torbjorn Hjam	150-149	6704
7590	06/28/2005		EXAMINER	
Steven S. Payne 8027 ILIFF Drive Dunn Loring, VA 22027			YUN, JURIE	
			ART UNIT	PAPER NUMBER
			2882	

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/803,918

Applicant(s)

HJARN, TORBJORN

Examiner

Jurie Yun

Art Unit

2882

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: on page 4, line 16, "valves and tubes 24" is not shown in the drawing. Appropriate correction is required.
2. The disclosure is objected to because of the following informalities: on page 5, line 14, there is no period at the end of the sentence. Appropriate correction is required.
3. Claim 1 is objected to because of the following informalities: in line 3, there is lack of antecedent basis for "the device". Appropriate correction is required.
4. Claim 8 is objected to because of the following informalities: it appears that claim 8 should depend on claim 1, and has been treated as such. Appropriate correction is required.
5. Claim 16 is objected to because of the following informalities: there is lack of antecedent basis for "the organ". Appropriate correction is required.

Drawings

6. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "22" has been used to designate two different things in Figure 1.
7. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "display unit for reading the pressure inside the container" of claim 14 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claim 15 is rejected under 35 U.S.C. 112, second paragraph, for being vague and indefinite. It is not clear what is meant by a "tempered medium". The specification only describes this as (page 5, lines 22-23), "In one preferred embodiment, it is possible to temper the medium, in order to provide a more comfortable receiving space for the breast."

Claim Rejections - 35 USC § 102

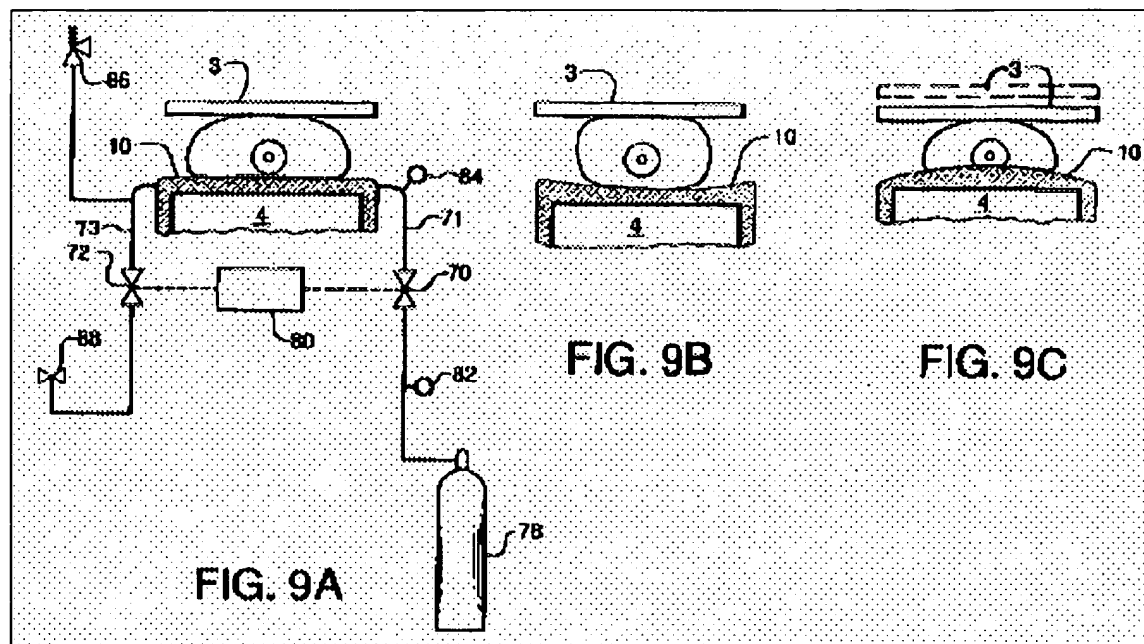
10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claims 1-8, 10-13, and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Galkin (USPN 6,850,590 B2).

12. With respect to claims 1 and 16, Galkin discloses an arrangement and method in a mammography equipment, providing a well defined and comfortable positioning and fixation of a breast, the equipment including an x-ray source (Fig. 1, 1) and an area of exposure for a breast, wherein the device (Fig. 9A, 10) includes an essentially elastic container, consisting of an x-ray permeable material, arranged in said exposure area between two compression plates (3 & 4), said container being arranged such that upon the supply of a medium (78) it expands and pressurizes said breast against said compression plate (Figs. 9B & 9C).



13. With respect to claim 2, Galkin discloses a contact surface between the container (10) and the breast exhibits a receiving space such that the compression force is essentially uniformly distributed all over the breast (column 9, lines 62+).

14. With respect to claim 3, Galkin discloses the container (10) is a pillow, arranged on a lower plate (4) in the exposure area.

15. With respect to claim 4, Galkin discloses one contact surface of the container completely or partly surrounds the breast (Fig. 9B).

16. With respect to claim 5, Galkin discloses the container is made from a fabric, a polymer and/or rubber material (column 6, lines 7+).

17. With respect to claim 6, Galkin discloses the medium is gaseous (column 10, line 3).

18. With respect to claim 7, Galkin discloses the medium is air (column 10, line 4).

Art Unit: 2882

19. With respect to claim 8, Galkin discloses the medium is a fluid (column 9, lines 62+).

20. With respect to claims 10-13, Galkin discloses the device includes attachments to the container, for a tight containment of said supplied medium and one or more inlets (71) and outlets (73) intended for the medium, wherein the inlet of the container is attached to a controllable compressor, wherein the device includes a connection for a device for the disposal of the medium (via line 73), and wherein the device includes a measuring apparatus (80) to measure and guide the compression force by means of the pressure in the container (column 10, lines 9+).

Claim Rejections - 35 USC § 103

21. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

22. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Galkin (USPN 6,850,590 B2) as applied to claims 1 and 8 above, and further in view of Redington et al. (USPN 3,973,126).

23. With respect to claim 9, Galkin does not disclose the medium is water. Redington et al. teach that water is a good medium for surrounding a breast undergoing tomographic examination (column 3, lines 12-17). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use water as the medium

Art Unit: 2882

in the Galkin apparatus, because it has an x-ray absorption coefficient relatively close to that of soft human tissue, as taught by Redington et al., to increase image resolution.

24. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Galkin (USPN 6,850,590 B2) as applied to claim 1 above.

25. With respect to claim 14, Galkin does not disclose a display unit for reading the pressure inside the container. However, Galkin teaches pressure reading means (column 10, lines 9+) and it would have been obvious to one of ordinary skill in the art at the time the invention was made that the Galkin apparatus includes some means for displaying the pressure which is monitored by the pressure reading means for control over the examination.

Conclusion

26. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hellberg (DE 23 35 576) teaches an inflatable elastic cushion to be used in mammography.

27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Yun whose telephone number is 571 272-2497.

The examiner can normally be reached on Monday-Friday 8:30-5:00pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Glick can be reached on 571 272-2490. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2882

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jurie Yun
June 23, 2005



EDWARD J. GLICK
SUPERVISORY PATENT EXAMINER